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Before theFederal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
)  
Amendment of Section 73.202(b), ) MM Docket No. 97-136  
Table of Allotments, ) RM-9083  
FM Broadcast Stations. ) RM-9136  
(Ironton, Malden and )  
Salem, Missouri)<sup>1</sup> )

**REPORT AND ORDER**  
**(Proceeding Terminated)****Adopted: March 25, 1998****Released: April 3, 1998**

By the Chief, Allocations Branch:

1. The Commission has before it for consideration the Notice of Proposed Rule Making and Order to Show Cause, 12 FCC Rcd 6559 (1997), issued in response to a petition filed by B.B.C., Inc. ("B.B.C."). B.B.C. requested the substitution of Channel 225C2 for Channel 225C3 at Malden, Missouri, and modification of its license for Station KMAL(FM), to specify operation on Channel 225C2. To accommodate the substitution at Malden, B.B.C. also requested the substitution of Channel 224A for Channel 225A at Ironton, Missouri, and modification of the license for Station KYLS accordingly. B.B.C. filed comments continuing to support the requested substitutions at Malden and Ironton. Dockins Communications, Inc. ("Dockins"), licensee of Station KYLS at Ironton, Missouri, filed comments in response to the Order to Show Cause. Dockins and B.B.C. filed a joint counterproposal in response to the Notice.<sup>2</sup>

<sup>1</sup> The community of Salem has been added to the caption.

<sup>2</sup> The proposal was put on public notice on August 19, 1997, Report No. 2216 (RM-9136). Although the joint proposal filed by B.B.C. and Dockins was styled as a counterproposal and given public notice, it has been determined that the proposal does not constitute a counterproposal. B.B.C. and Dockins filed a proposal which they stated would resolve this proceeding. Therein, B.B.C. and Dockins continued to support the allotment of Channel 225C2 at Malden but requested the substitution of Channel 240C3 for Channel 225A at Ironton in lieu of Channel 224A. To accommodate Channel 240C3 at Ironton, B.B.C. and Dockins further requested the substitution of Channel 225A for Channel 240A at Salem, Missouri, and modification of the license for Station KMMC accordingly. Although the joint proposal does conflict with the proceeding, a closer look shows that the conflict occurs between the current arrangement of allotments rather than the proposed arrangement of allotments and is, therefore, not counter to the proceeding but dependent upon the outcome of this proceeding and should not be considered a counterproposal. See Clark, Colorado, 11 FCC Rcd 6371 (1996). No further consideration will be given to the allotment of Channel 240C3 at Ironton or the allotment of Channel 225A at Salem. Upon termination of this proceeding, Dockins Communications may file the proposal for Ironton and Salem as a new petition for rule making.

2. Based on the information filed in this proceeding, we believe the public interest would be served by the substitution of Channel 225C2 for Channel 225C3 at Malden, Missouri. A staff engineering analysis has determined that Channel 225C2 can be allotted to Malden, Missouri, at B.B.C.'s existing transmitter site.<sup>3</sup> To accommodate the upgrade at Malden, we shall substitute Channel 224A for Channel 225A at Ironton, Missouri, and modify the license for Station KMAL(FM) to specify operation on Channel 224A at the licensed site for Station KMAL(FM).<sup>4</sup> In accordance with Section 1.420(g) of the Commission's Rules, we have authorized a modification of the license for Station KMAL(FM) to specify operation on Channel 225C2. We have also authorized a modification of the license for Station KYLS in accordance the Commission's Rules to specify operation on Channel 224A. In response to the Order to Show Cause, Dockins, licensee of Station KYLS, Ironton, did not object to the channel substitution but merely stated that the proposed substitution could result in increased interference to Station KYLS from a station operating on Channel 224A at Herrin, Illinois. Dockins failed to make a showing supporting these comments. Indeed, our engineering analysis shows that Channel 224A at Ironton, Missouri, and Channel 224B1 at Herrin, Illinois, are fully spaced, rounding the distance to the nearest kilometer as permitted under Section 73.208(c)(8) of the Commission's Rules.

3. Commission policy requires reimbursement to affected stations for the reasonable costs associated with changing frequencies. See Circleville and Columbus, Ohio, 8 FCC Rcd 24 159 (1967). B.B.C. has stated that it will pay the reasonable costs associated with a one-channel change by KYLS, Ironton.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective May 18, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Ironton, Missouri	224A

<sup>3</sup> The coordinates for Channel 225C2 at Malden are 36-39-48 and 89-47-39. At this site, Channel 225C2 at Malden is short spaced to an application for Channel 223A, Poplar Bluff, Missouri, filed by D. Ramsey & B. Vancil (BPH-970708MB). However, Channel 225C2 is fully spaced to the vacant allotment site for Channel 223A at Poplar Bluff and to the other applications for this channel (BPH-970709ME and BPH-970708MA). We note that D. Ramsey & B. Vancil filed the application for Poplar Bluff in accordance with Section 73.215 of the Commission's Rules. Therefore, because of the use of 73.215 and the fact that there are other fully-spaced sites available for the use of Channel 223A, we consider this to be a site preference. See Andalusia, Alabama, MM Docket No. 83-999, 49 FR 32201 (August 13, 1984). D. Ramsey and B. Vancil will be served with a copy of this Order and, if necessary, may be given an opportunity to amend the application to specify a non-conflicting site.

<sup>4</sup> The coordinates for Channel 224A at Ironton are 37-34-23 and 90-41-35.

Malden, Missouri

225C2

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended that the license of Station KMAL(FM), Malden, Missouri, IS MODIFIED to specify operation on Channel 225C2 in lieu of Channel 225C3, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall file with the Commission a minor change application for construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

6. IT IS FURTHER ORDERED, that pursuant to the authority contained in Section 316(a) of the Communications Act of 1934, as amended, that the license of Station KYLS, Ironton, Missouri, IS MODIFIED, to specify operation on Channel 224A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in License BLH971006KI except for the channel as specified above. Any changes, except those specified require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the rules, PROVIDED the transmission facilities comply in all respects with License BLH971006KI, except for the channel as specified above, and a license application (Form 302) is filed within 10 days of commencement of program tests.

7. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Order to the following:

Ultra-Sonic Broadcast Stations, Inc.  
Station KMMC  
P. O. Box 650  
Salem, Missouri 65560

D. Ramsey & B. Vancil, A Gral. Ptnrsh.  
Route #2, Box 496  
Portageville, MO 63873  
(applicant for Ch. 223A, Poplar Bluff, MO)

8. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, B.B.C. Inc., licensee of Station KMAL(FM), is required to submit a rule making fee in addition to the fee required for the applications to effect the upgrade at Malden, Missouri.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau